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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,071	01/04/2002	Craig Storms	30566.203-US-01	7330
22462	7590	04/21/2005	EXAMINER	
GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045			BETIT, JACOB F	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<p>Application No.</p> <p align="center">10/038,071</p>	<p>Applicant(s)</p> <p align="center">STORMS ET AL.</p>	
	<p>Examiner</p> <p align="center">Jacob F. Betit</p>	<p>Art Unit</p> <p align="center">2164</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) 1-11, 25-37, 51-63 and 77-89 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-24, 38-50 and 64-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group II, claims 12-24, 38-50, 64-74 in the reply filed on 13-January-2005 is acknowledged. The traversal is on the ground(s) that there is no assertion that the inventions of the three claim groups are independent. This is not found persuasive because:

“If section 121 of the 1952 Act were intended to direct the Commissioner never to approve division between dependent inventions, the word ‘independent’ would clearly have been used alone... Such was clearly not the intent of Congress. Nothing in the language of the statute and nothing in the hearings of the committees indicate any intent to change the substantive law on this subject. On the contrary, joinder of the term ‘distinct’ with the term ‘independent’, indicates lack of such intent. The law has long been established that dependent inventions... may be properly divided if they are, in fact, ‘distinct’ inventions, even though dependent” (see M.P.E.P. 802.01)

The requirement is still deemed proper and is therefore made FINAL.

It is noted that claims 75-76 will also be considered since they were not addressed in the restriction requirement, and they depend from independent claim 64.

### ***Claim Objections***

2. Claim 16 is objected to because of the following informalities:

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Claim 16 does not end in a period. M.P.E.P. 608.01(m) states that "Each claim begins with a capital letter and ends with a period." Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 12-24, 38-50, and 64-76 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 in line 9, claim 38 in line 11, and claim 64, line 9 recite the limitation "wherein the self-expanding data package can be expanded". This limitation is recited in the passive voice and therefore it is not clear if the expanding step occurs or not. This limitation should be rephrased so that the expanding step is actively recited (i.e. --wherein the self-expanding data package is expanded--).

Claims 13-24 are rejected for being dependent on rejected independent claim 12.

Claims 39-50 are rejected for being dependent on rejected independent claim 38.

Claims 65-76 are rejected for being dependent on rejected independent claim 64.

Claim 13 in line 3 and claim 65 in line 3 recite the limitation "wherein the self-expanding data package can be further expanded". This limitation is recited in the passive voice and

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therefore it is not clear if the data package is further expanded or not. This limitation should be rephrased so that the expanding step is actively recites (i.e. --wherein the self-expanding data package is further expanded--).

Claim 14 in lines 1-2, claim 40, in lines 1-2, and claim 66, in lines 1-2 recite the limitation “wherein one or more calculations can be applied to test validity”. This limitation is recited in the passive voice and therefore it is not clear if the calculations are applied to test validity or not. This limitation should be rephrased so that the expanding step is actively recited (i.e. --wherein one or more calculations are applied to test validity--).

Claim 15 is further rejected for being dependent on rejected dependent claim 14.

Claim 41 is further rejected for being dependent on rejected dependent claim 40.

Claim 67 is further rejected for being dependent on rejected dependent claim 66.

Claim 15 in lines 1-2, claim 41 in lines 1-2, and claim 67, lines 1-2 recite the limitation “wherein one or more calculations can be utilized to perform a precursor conditional test”. This limitation is recited in the passive voice and therefore it is not clear if the calculations are utilized to perform a precursor conditional test or not. This limitation should be rephrased so that the expanding step is actively recited (i.e. --wherein one or more calculations are utilized to perform a precursor conditional test--).

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Claim 16 in lines 1-2, claim 42, lines 1-2, and claim 68, lines 1-2 recite the limitation “wherein one or more calculations can be utilized to provide additional data”. This limitation is recited in the passive voice and therefore it is not clear if the calculations are utilized to provide additional data or not. This limitation should be rephrased so that the expanding step is actively recited (i.e. --wherein one or more calculations are utilized to provide additional data--).

Claim 23 lines 1-2, claim 49 lines 2-3, and claim 75 lines 1-2 recite the limitation “an editor provides an ability to directly edit the self-expanding data package”. This limitation is recited in the passive voice and therefore it is not clear if the self-expanding data package is directly edited or not. This limitation should be rephrased so that the edit step is actively recited (i.e. --an editor is used to directly edit the self-expanding data package--).

Claim 39, in line 4 recites the limitation “the self-expanding data package is capable of being further expanded”. This limitation is recited in the passive voice and therefore it is not clear if the self-expanding data package is further expanded or not. This limitation should be rephrased so that the further expanding step is actively recited (i.e. --the self-expanding data package is further expanded--).

Claim 70, in lines 1-2 recites the limitation “wherein one or more calculations can eliminate duplicate expanded table rows). This limitation is recited in the passive voice and therefore it is not clear if one or more calculations eliminate duplicate expanded table rows or

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not. This limitation should be rephrased so that the elimination step is actively recited (i.e. -- wherein one or more calculations eliminate duplicate expanded table rows).

Appropriate corrections are required.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-24, 38-50, and 64-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Complex Queries in XML-GL” in view of McClendon et al. (U.S. patent No. 6,625,619 B1).

As to claim 12, “Complex Queries in XML-GL” teaches a method for generating data in a self-expanding data package:

generating, in the self-expanding data package, one or more values in a set of one or more constant lists (see section 2. Preliminary Overview of XML-GL);

generating, in the self-expanding data package, one or more calculations that operate on one or more values in the set of one or more constant lists (see section 3. Simple Queries and see section 4. Complex Queries);

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wherein the self-expanding data package can be expanded, into an expanded table having expanded table rows, by combining every value in each constant list with any combination of values from remaining parameters and performing the one or more calculations on the one or more values (see section 4.2 Cartesian Product).

“Complex Queries in XML-GL” does not teach a computer system.

McClendon et al. teaches an electronic taxonomy for construction product information, (see abstract) in which he teaches a computer system (see column 1, lines 14-21).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified “Complex Queries in XML-GL” to include a computer system.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified “Complex Queries in XL-GL” by the teachings of McClendon et al. because a computer system would allow the XML queries to be processed in a quick manner.

As to claims 13, 39, and 65, “Complex Queries in XML-GL” teaches further comprising, generating, in the self-expanding data package one or more basic table data having one or more table rows, wherein the self-expanding data package can be further expanded by combining every value in each constant list with each basic table row (see section 2. Preliminary Overview of XML-GL and see section 4.2 Cartesian Product).



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As to claims 14, 40, and 66, “Complex Queries in XML-GL” teaches wherein one or more calculations can be applied to test validity of the expanded table rows, and only those expanded table rows that are valid are maintained in the expanded table (see section 4.2 Cartesian Product, where it is obvious to one of ordinary skill in the art that “vehicles more recent than 1998” is an calculation that would remove all vehicles older than 1998 during the operation).

As to claims 15, 41, and 67, “Complex Queries in XML-GL” teaches wherein one or more calculations can be utilized to perform a precursor conditional test that is used to test validity of the expanded table rows (see section 4.2 Cartesian Product, where it is obvious to one of ordinary skill in the art that “vehicles more recent than 1998” is an calculation that would remove all vehicles older than 1998 during the operation and that this operation would occur before the combining to prevent unnecessary combining steps).

As to claims 16, 42, and 68, “Complex Queries in XML-GL” teaches wherein one or more calculations can be utilized to provide additional data used in the expanded table (see section 3.3 Construction).

As to claims 17, 43, and 69, “Complex Queries in XML-GL” teaches wherein the self-expanding data package comprises product data for use in a computer-aided design application.

McClendon et al. teaches wherein the self-expanding data package comprises product data for use in a computer-aided design application (see column 12, lines 23-60).

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Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified “Complex Queries in XML-GL” to include wherein the self-expanding data package comprises product data for use in a computer-aided design application.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified “Complex Queries in XML-GL” by the teachings of McClendon et al. because wherein the self-expanding data package comprises product data for use in a computer-aided design application would allow data from one applications be used in many different software applications while designing products (see abstract).

As to claims 18, 44, and 70, “Complex Queries in XML-GL” teaches wherein one or more calculations provide for eliminating duplicate expanded table rows (see section 4.1 Union and Difference “if a <model> element satisfies both conditions it will appear only once in the RHS of the query”).

As to claims 19, 45, and 71, “Complex Queries in XML-GL” teaches wherein the self-expanding data package is written in extensible markup language (XML) (see section 2. Preliminary Overview of XML-GL).

As to claims 20, 46, and 72, “Complex Queries in XML-GL” teaches wherein one or more calculations are selected through a graphical user interface (see section 1. Introduction).

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As to claims 21, 47, and 73, “Complex Queries in XML-GL” does not teach wherein the self-expanding data package is transmitted across a network.

McClendon et al. teaches wherein the self-expanding data package is transmitted across a network (see column 22 line 45 through column 23, line 35).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified “Complex Queries in XML-GL” to include wherein the self-expanding data package is transmitted across a network.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified “Complex Queries in XML-GL” by the teachings of McClendon et al. because wherein the self-expanding data package is transmitted across a network would allow many people to cooperate in the different stages of a product design and manufacture (see column 22 line 45 through column 23, line 35).

As to claims 22, 48, and 74, “Complex Queries in XML-GL” teaches wherein one or more calculations comprise one or more filters that limit results displayed from the expanded table rows (see section 2. Preliminary Overview of XML-GL, page 889, column 2, “2. The match part”, and see section 3.2 Join).

As to claims 23, 49, and 75, “Complex Queries in XML-GL” teaches wherein an editor provides an ability to directly edit the self-expanding data package (see section 1. Introduction).

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As to claims 24, 50, and 76, “Complex Queries in XML-GL” teaches wherein logic for expanding the data package into the expanded table is fully defined within the data package and the data (see section 2. Preliminary Overview of XML-GL).

As to claims 38, “Complex Queries in XML-GL” teaches an apparatus for generating data in a self-expanding data package in a computer system comprising:

generating a self-expanding data package and storing the self-expanding data package in the memory, wherein the self-expanding data package comprising:

(i) one or more values in a set of one or more constant lists (see section 2.

Preliminary Overview of XML-GL); and

(ii) one or more calculations that operate on one or more values in the set of one or more constant lists (see section 3. Simple Queries and see section 4. Complex Queries);

wherein the self-expanding data package can be expanded into an expanded table having expanded table rows, by combining every value in each constant list with any combination of values from remaining parameters and performing the one or more calculations on the one or more values (see section 4.2 Cartesian Product).

“Complex Queries in XML-GL” does not teach (a) a computer system having a memory and a data storage device coupled thereto; (b) one or more computer programs, performed by the computer system.

McClendon et al. teaches (a) a computer system having a memory and a data storage device coupled thereto; (b) one or more computer programs, performed by the computer system (see column 1, lines 14-21, and see figure 3, reference number 320).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified “Complex Queries in XML-GL” to include (a) a computer system having a memory and a data storage device coupled thereto; (b) one or more computer programs, performed by the computer system.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified “Complex Queries in XML-GL” by the teachings of McClendon et al. because (a) a computer system having a memory and a data storage device coupled thereto; (b) one or more computer programs, performed by the computer system would allow the XML queries to be processed in a quick manner.

As to claims 64, “Complex Queries in XML-GL” teaches performing a method for generating data in a self-expanding data package, the method comprising:

generating, in the self-expanding data package, one or more values in a set of one or more constant lists (see section 2. Preliminary Overview of XML-GL);

generating, in the self-expanding data package, one or more calculations that can operate on one or more values in the set of one or more constant lists (see section 3. Simple Queries and see section 4. Complex Queries);

wherein the self-expanding data package can be expanded, into an expanded table having expanded table rows, by combining every value in each constant list with any combination of

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values from remaining parameters and performing the one or mote calculations on the one or more values (see section 4.2 Cartesian Product).

“Complex Queries in XML-GL” does not teach an article of manufacture comprising a program storage medium readable by a computer and embodying one or more instructions executable by the computer.

McClendon et al. teaches an article of manufacture comprising a program storage medium readable by a computer and embodying one or more instructions executable by the computer (column 1, lines 14-21 and see column 5 lines 53-61).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified “Complex Queries in XML-GL” to include an article of manufacture comprising a program storage medium readable by a computer and embodying one or more instructions executable by the computer.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified “Complex Queries in XML-GL” by the teachings of McClendon et al. because an article of manufacture comprising a program storage medium readable by a computer and embodying one or more instructions executable by the computer would allow the XML queries to be processed in a quick manner.

### ***Conclusion***

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

“XML for Data: An early look at XQuery”, written by Kevin Williams for teaching using “for” clauses to create Cartesian tuples, “where” clauses to discard tuples not meeting certain conditions, and “return” clauses to define what to return in each tuple.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Betit whose telephone number is (571) 272-4075. The examiner can normally be reached on Monday through Friday 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jfb  
13 Apr 2005

  
**SAM RIMELL**  
**PRIMARY EXAMINER**